

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION**

<b>In Re:</b> ROSE MERLE SMITH Debtor(s) NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING, AS SERVICER FOR DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR SOUNDVIEW HOME LOAN TRUST 2006-OPT5, ASSET- BACKED CERTIFICATES, SERIES 2006- OPT5 Movant v. ROSE MERLE SMITH Debtor(s) KENNETH E. WEST Trustee Respondent(s)	Chapter 13  Case Number: 24-13781-amc
--	---

**MOTION FOR RELIEF FROM AUTOMATIC STAY WITH RESPECT TO PROPERTY: 8945  
LEONARD ST., PHILADELPHIA, PA 19152**

NewRez LLC d/b/a Shellpoint Mortgage Servicing, as servicer for Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-OPT5, Asset-Backed Certificates, Series 2006-OPT5, through its Counsel, Stern & Eisenberg PC, respectfully requests the Court grant its Motion for Relief and in support thereof respectfully represents as follows:

1. Movant is NewRez LLC d/b/a Shellpoint Mortgage Servicing, as servicer for Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-OPT5, Asset-Backed Certificates, Series 2006-OPT5 (hereafter referred to as “Movant”).
2. Debtor(s), Rose Merle Smith (hereinafter, “Debtor(s)”), is/are, upon information and belief, adult individual(s) whose last-known address is 8945 Leonard St., Philadelphia, PA 19152.
3. On March 31, 2006, Rose Smith, executed and delivered a Note in the principal sum of \$220,000.00 to Contour Mortgage Corporation, a New York Corporation. A copy of the Note is attached as Exhibit “A” and is hereby incorporated by reference.
4. As security for the repayment of the Note, Rose Smith, executed and delivered a Mortgage to Contour Mortgage Corporation, a New York Corporation. The Mortgage was duly recorded in the Office of the Recorder of Deeds in and for Philadelphia County on May 3, 2006 as Instrument 51433892. A copy of the Mortgage is attached as Exhibit “B” and is hereby incorporated by reference.
5. The Mortgage encumbers Debtor’s real property located at 8945 Leonard St., Philadelphia, PA 19152.

6. By assignment of mortgage, the loan was ultimately assigned to Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-OPT5, Asset-Backed Certificates, Series 2006-OPT5. A true and correct copy of the assignment is attached as Exhibit "C" and is hereby incorporated by reference.
7. Debtor(s) filed the instant Chapter 13 Bankruptcy on October 23, 2024 and, as a result, any state court proceedings were stayed.
8. It is believed and therefore averred that Debtor(s) filed the instant bankruptcy as an additional delay in order to prevent Movant from proceeding with the state court proceedings or otherwise institute proceedings as allowed under the Mortgage.
9. Debtor's mortgage loan is in default and is currently due for the March 1, 2025 payment and each subsequent payment through the date of the motion. Debtor(s) has/have failed to make the following post-petition payments to Movant:

**POST-PETITION PAYMENTS IN DEFAULT**

Monthly Payments in Default	03/01/2025 to 05/01/2025
Monthly payments (\$765.76 x 3)	\$2,297.28
Total Amounts Due as of May 15, 2025:	\$2,297.28

10. In addition, Movant will incur counsel fees and costs in association with Debtor's default and this motion.
11. As a result of the Debtor's default and failure to make payments or to otherwise adequately provide for Movant in the bankruptcy filing, Movant is not adequately protected and is entitled to relief.
12. As of May 15, 2025, the Unpaid Principal Balance of the loan is \$145,782.23.
13. NewRez LLC d/b/a NewRez LLC d/b/a Shellpoint Mortgage Servicing services the underlying mortgage loan and note for the property referenced in this motion for Movant. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant. Movant, directly or through an agent, has possession of the Note. The Allonge to the Note is endorsed in blank. Movant is the beneficiary or the assignee of the Deed of Trust.
14. Debtor or Debtor's Counsel is encouraged to contact NewRez LLC d/b/a Shellpoint Mortgage Servicing to discuss potential loss mitigation options, if the debtor(s) is experiencing hardship resulting in the COVID-19. Please call 866-825-2174 for assistance Monday-Friday 9am to 8pm EST.
15. To the extent the Court does not find that relief is appropriate, then Movant requests that the stay be conditioned such that in the event the Debtor(s) fall(s) behind on post-petition payments or trustee payments that Movant may receive relief upon default by the Debtor(s) of the terms

of the conditional order.

16. Movant requests that the stay of Bankruptcy Rule 4001(a)(3) be waived.

WHEREFORE, Movant, NewRez LLC d/b/a Shellpoint Mortgage Servicing, as servicer for Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-OPT5, Asset-Backed Certificates, Series 2006-OPT5, respectfully requests this Court to grant the appropriate relief under 11 U.S.C. §362 from the automatic stay as set forth in the proposed order together with waiver of Bankruptcy Rule 4001(a)(3).

Respectfully Submitted:

Stern & Eisenberg, PC

By: /s/ Daniel P. Jones

Daniel P. Jones

1581 Main Street, Suite 200

The Shops at Valley Square

Warrington, PA 18976

Phone: (215) 572-8111

Fax: (215) 572-5025

Bar Number: 321876

Email: [djones@sterneisenberg.com](mailto:djones@sterneisenberg.com)

Date: June 13, 2025